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LOUIS G. CLOSE, III *

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* ADMITTED IN MD & DC

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July 8, 2013

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Kathleen Sebelius, Secretary
U.S. Department of Health and Human Services
Office of the General Counsel
330 Independence Avenue, SW
Cohen Building - Room 4760
Washington, DC 20201

RE: Administrative Tort Claim of Melissa H. Richbark and Steven A. Richbark, Individually and as Parents and Next Friends of
Minor

Dear Ms. Sebelius:

This firm represents Melissa H. Richbark and Steven A. Richbark, Individually and as the Parents and Next Friends of _____, minor relating to injuries and damages sustained by their minor daughter, _____, as the result of alleged medical negligence that occurred in the management of Mrs. Richbark's labor and delivery. The conduct at issue occurred beginning on August 25, 2011 and continuing through August 26, 2011.

According to medical records, the physicians involved with this labor and delivery include Michele Marie Urban, M.D. and Jason Andrew Evans, M.D. It is my understanding that at the time of the alleged negligence, both Drs. Urban and Evans were employees of Three Lower Counties Community Services, Inc., a federally funded health center. As such, the conduct at issue may fall within the provisions of the Federal Tort Claims Act (FTCA).

Accordingly, please accept the three (3) enclosed Standard Form 95s (one for each claimant) as written notification of claim for injuries and damages sustained by _____, minor, as the result of alleged medical negligence. I am also enclosing for your review a Report authored by Christos M. Ballas, M.D., a board-certified expert in Obstetrics and Gynecology, detailing the violations of the standards of care and the injuries and damages sustained by the minor as a result.

Finally, enclosed is the Certificate of Live Birth for _____, minor, as well as a written authorization form executed by Mr. and Mrs. Richbark, expressly authorizing this firm to act on their behalf and on behalf of their minor daughter.

Kathleen Sebelius

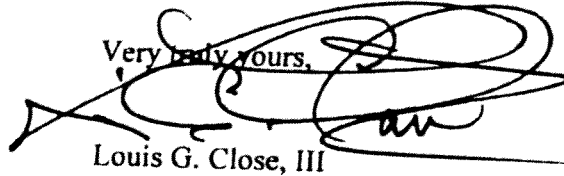
U.S. Department of Health and Human Services

RE: Administrative Tort Claim of Melissa H. Richbark and Steven A. Richbark, Individually and as
Parents and Next Friends of , Minor

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I ask that you please confirm receipt of this letter and of your involvement with
this claim as a FTCA matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Louis G. Close, III", is written over the closing "Very truly yours,". The signature is stylized and somewhat illegible due to the cursive script.

Louis G. Close, III

Enclosures

cc: Eric H. Holder, Jr., Esquire (Via Certified Mail w/ Enclosures)
Rod J. Rosenstein, Esquire (Via Certified Mail w/ Enclosures)
William Biglow, Esquire (Via Certified Mail w/ Enclosures)



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the General Counsel
General Law Division

330 Independence Avenue, S.W.
Rm. 4760 Wilbur J. Cohen Federal Building
Washington, DC 20201

November 5, 2013

U. S. CERTIFIED MAIL—RETURN RECEIPT REQUESTED

(Article No. 7009 1680 0001 6716 9586)

Louis G. Close, III, Esq.
Christopher T. Casciano, Esq.
Louis G. Close, III, LLC
Attorneys at Law
403 Central Avenue
Towson, Maryland 21204

Re: Administrative Tort Claim of Melissa H. and Steven A. Richbark, as the Parents
of A. K. R. , a Minor, Claim No. 2013-0428
Administrative Tort Claim of Melissa H. Richbark, Individually, and as the Parent
of A. K. R. , a Minor, Claim No. 2013-0429
Administrative Tort Claim of Steven A. Richbark, Individually, and as the Parent
of A. K. R. , a Minor, Claim No. 2013-0430

Dear Mr. Close:

On July 12, 2013, you filed three administrative tort claims under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§1346(b), 2401(b), 2671-80, on behalf of your clients, Melissa H. and Steven A. Richbark, individually and as the parents of A. K. R. , a minor, alleging *inter alia*, that, on August 25 and August 26, 2011, Dr. Michele M. Urban, Dr. Jason A. Evans and Three Lower Counties Community Services, Inc., located in Princess Anne, Maryland, committed medical malpractice by failing to provide proper labor and delivery care to Mrs. Richbark, resulting in her baby suffering a right brachial plexus injury.

The FTCA authorizes the settlement of any claim of money damages against the United States for, *inter alia*, injury or death caused by the negligent, wrongful act or omission of any employee of the federal government, while acting within the scope of employment. Under the FTCA, said act or omission must be such that the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. 28 U.S.C. § 2672.

This letter constitutes the notice of final determination of this administrative tort claim, as required by 28 U.S.C. §§ 2401(b), 2675(a). The administrative tort claims of Melissa H. and Steven A. Richbark, individually and as the parents of A. K. R. , a minor, are denied. The evidence fails to establish that the alleged injuries were due to the negligent or wrongful act or

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Christopher T. Casciano, Esq.

omission of a federal employee acting within the scope of employment.

If your clients are dissatisfied with this determination, they may:

1. file a written request with the Agency for reconsideration of the final determination denying the claims within six (6) months from the date of mailing of this determination (28 C.F.R. § 14.9); or
2. file suit against the United States in the appropriate federal district court within six (6) months from the date of mailing of this determination (28 U.S.C. § 2401(b)).

In the event your clients request reconsideration, the Agency will review the claims within six (6) months from the date the request is received. If the reconsidered claims are denied, your clients may file suit within six (6) months from the date of mailing of the final determination.

Sincerely yours,

William A. Biglow / by RAB

William A. Biglow
Acting Deputy Associate General Counsel
Claims and Employment Law Branch